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5 Attorneys for Defendants

6 UNITED STATES DISTRICT COURT  
7 FOR THE EASTERN DISTRICT OF WASHINGTON

8 ELVIS RUIZ FRANCISCO )  
9 JAVIER, CASTRO and )  
EDUARDO MARTINEZ )  
10 Plaintiffs, )

Case No. 2:11-cv-03088-RMP

11 v. )

12 MAX FERNANDEZ and ANN )  
13 FERNANDEZ, a Marital )  
community; and WESTERN )  
14 RANGE ASSOCIATION, a )  
foreign nonprofit organization, )

DEFENDANT WESTERN RANGE  
ASSOCIATION'S MOTION TO  
DISMISS FOR LACK OF SUBJECT  
MATTER JURISDICTION

15 Defendants. )  
16

17 Pursuant to Fed. R. Civ. P. 12(b), defendant Western Range Association  
18 ("Western Range") moves the Court for an order dismissing plaintiffs' claims for  
19 (1) breach of contract; (2) FLSA violations; (3) Washington Wage and Hour Law  
20 violations; and (4) *quantum meruit* on the grounds that this Court lacks subject  
21 matter jurisdiction over those claims.

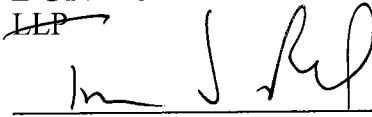
22 Western Range hereby incorporates by reference the arguments and

DEFENDANT WESTERN RANGE ASSOCIATION'S MOTION TO DISMISS  
FOR LACK OF SUBJECT MATTER JURISDICTION - 1

evidence set forth in co-defendants Max and Ann Fernandez's Motion to Dismiss and related briefing and exhibits. Docket Item Nos. 27 and 28.

Dated: October 27, 2011.

DUNN CARNEY ALLEN HIGGINS & TONGUE  
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\_\_\_\_\_  
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Association

### CERTIFICATE OF SERVICE

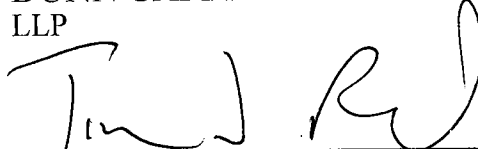
I hereby certify that on the 27<sup>th</sup> day of October, 2011, I electronically filed the foregoing document entitled Defendant Western Range Association's Motion to Dismiss for Lack of Subject Matter Jurisdiction with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DEFENDANT WESTERN RANGE ASSOCIATION'S MOTION TO DISMISS  
FOR LACK OF SUBJECT MATTER JURISDICTION - 2